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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,706	08/01/2001	Kenichi Nanpei	1232-4747	5403
27123	7590	09/21/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/919,706

Applicant(s)

NANPEI, KENICHI

Examiner

Peter K. Huntsinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 28 June 2005 has been entered in full.

### ***Response to Arguments***

2. Applicant's arguments filed 28 June 2005 have been fully considered but they are not persuasive.

Applicant argues on pages 9 and 10 of the response that:

#### **Takahashi et al. does not teach an abnormality**

- a. Examiner respectfully disagrees. Takahashi et al. disclose when the digital image sensing device is disconnected, the power management unit reduces power consumption by decreasing the luminance and reducing the operation frequency of the control unit. Because the luminance level and operation frequency are now less than preferable, the state can be considered abnormal. Further, the applicant specifies unplugging a connector as a type of abnormality.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 5-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. European Publication 0862313.

Referring to claims 1, 10, and 18, Takahashi et al. disclose an image reading apparatus which operates under control of an external apparatus comprises an image sensing unit for reading an image, and a interface for transferring an image signal read by the image sensing unit to the external apparatus (Fig. 1, 101 and 102), the image apparatus comprising: a detector for detecting an abnormality of the interface on the basis of an electric potential of a predetermined position of the interface (control unit 104 of Fig. 1, col. 4, lines 14-19); and a controller for, when said detector detects any abnormality of the interface during an image reading process controlled by said external apparatus, setting said image reading apparatus in a power saving mode (col. 19, lines 11-18).

Referring to claims 2, 11, and 19, Takahashi et al. disclose the apparatus according to claim 1, wherein at least one of an internal circuit and mechanical position of the image sensing unit is initialized to the state identical to the state at the time when the apparatus is powered on in the power saving mode (col. 19, lines 11-18).

Referring to claims 3, 12, and 20, Takahashi et al. disclose the apparatus according to claim 1, wherein at least one of an internal circuit and function of the image sensing unit is set in a sleep state in the power saving mode (col. 7, lines 4-11). When the digital image sensing device is powered on when not connected to the printer, the

power supply, luminance, and driving frequency will be identical to when the camera is initialized in the power saving mode.

Referring to claims 5, 13, and 21, Takahashi et al. disclose the apparatus according to claim 1, further comprising an A/D converter for converting the image signal output from the image sensing unit into a digital signal (col. 4, lines 5-13), wherein the interface transfers the digital image signal converted by said A/D converter to the external apparatus (col. 4, lines 38-44). Takahashi et al. disclose a CCD for converting the analog values into a digital image signal. It is inherent that a CCD has an A/D converter for converting light into an electric signal.

Referring to claims 6, 14, and 22, Takahashi et al. disclose the apparatus according to claim 1, wherein said detector detects any abnormality of the interface by detecting a change in potential of a power supply line included in the interface (col. 4, lines 20-24).

Referring to claims 7, 15, and 23, Takahashi et al. disclose the apparatus according to claim 1, wherein said detector detects any abnormality of the interface by detecting a change in potential of a data line included in the interface (col. 4, lines 14-20).

Referring to claims 8, 16, 24, and 27, Takahashi et al. disclose the apparatus according to claim 1, wherein the interface has a function of allowing to plug/unplug a cable without turning off a power supply of the external apparatus (col. 17, lines 42-45).

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Referring to claims 9, 17, 25, and 28, Takahashi et al. disclose the apparatus according to claim 8, wherein the function of the interface complies with USB or IEEE1394 (col. 3, lines 51-56).

Referring to claim 26, Takahashi et al. disclose a storage medium that stores a program for implementing a control method (col. 19, lines 48-55) for an image reading apparatus which operates under control of an external apparatus and comprises an image sensing unit for reading an image, an interface for transferring an image signal read by the image sensing unit to the external apparatus, and a detector for detecting an abnormality of the interface on the basis of an electric potential of a predetermined position of the interface, comprising: computer readable program code means for, when the detector detects any abnormality of the interface during an image reading process controlled by said external apparatus (control unit 104 of Fig. 1, col. 4, lines 14-19), setting the image reading apparatus in a power saving mode (col. 19, lines 11-18).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. European Publication 0862313 as applied to claims 1, 10, and 18 above, and further in view of Ishiguro et al. U.S. Patent 6,335,805.

Referring to claim 4, Takahashi et al. disclose the apparatus according to claim 1, but do not disclose expressly a moving unit or a setting unit for controlling the light source in power save mode. Ishiguro et al. disclose a light source for irradiating a document with light (exposure lamp 101 of Fig. 1, col. 4, lines 20-26); an image sensor for converting light reflected by a document irradiated with light from said light source into an electrical image signal (CCD sensor 105 of Fig. 1, col. 4, lines 35-41); a moving unit for moving a relative position between an image of the document and said image sensor (scanner motor 102 of Fig. 1, col. 4, lines 28-30); and a setting unit for setting at least one of said light source and said moving unit in the power saving mode in accordance with a setup of said controller (col. 10, lines 37-41). Takahashi et al. and Ishiguro et al. are combinable because they both are from the same field of peripheral image sensors. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to implement the scanner of Ishiguro et al. into the image reading system of Takahashi et al. The motivation for doing so would have been to allow easy portability for the image reading device. Further, the image reading device of Ishiguro et al. is simply a generic type of image reading device which could be substituted for the image reading device of Takahashi et al. Therefore, it would be obvious to combine Ishiguro et al. with Takahashi et al. to obtain the invention as specified in claim 4.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PKH

A handwritten signature in black ink, appearing to read "David Moore", with a long horizontal flourish extending to the right.

DAVID MOORE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800